

Serial No.: 09/520,580
In reply to Office Action mailed: December 4, 2003
Page 6 of 9

Remarks/Arguments

Claims 9, 18 and 20-30 are pending in this application. Claims 1-8, 10-17, and 19 have been canceled. Examiner has indicated that claims 9 and 18 are allowable over the art of record. Applicants have amended claims 20-30 for clarification and are fully supported by the specification. No new matter has been added to the prosecution of this application. For at least the reasons stated below, Applicants assert that all claims are in condition for allowance.

1. Claim Objections

Claims 23-29 have been objected to by Examiner because the numbering of claims repeats number 23. Applicants have amended claim numbers 23-29 such that those claims are now numbered 24-30, as suggested by Examiner. Accordingly, Applicants request reconsideration and withdrawal of the objection.

2. 35 U.S.C. § 112 Rejections

Claims 21-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, Claims 21-29 are rejected because they depend on cancelled claims. Applicants have amended the claims to include the proper claim references. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

3. 35 U.S.C. § 102 Rejections

Claims 20-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ferguson et al., U.S. Patent No. 6,064,984 (hereinafter "Ferguson"). Applicants oppose this rejection. Applicants assert that every element of every claim is not taught nor disclosed by Ferguson. Therefore, the rejections based upon 35 U.S.C. § 102(e) are inappropriate, and these rejections should be withdrawn.

Serial No.: 09/520,580
In reply to Office Action mailed: December 4, 2003
Page 7 of 9

A. Independent Claim 20

Examiner relies upon *Ferguson* to reject independent claim 20. *Ferguson* does not disclose or teach all elements of Applicants' claimed invention. *Ferguson* discloses a method whereby it collects "large quantities of financial and customer information" to be used to assist in financial planning decisions. *Ferguson*, col. 2, ll. 39-45. This information is used to generate financial numbers and are displayed on a frame consisting of a two-dimensional coordinate system. *Id.* at col. 2, ll. 48-51. A user of an embodiment of *Ferguson* modifies the graphical view by altering a temporal preference. *Id.* at Figs. 7A-7D, col. 9, l. 57 – col. 10, l. 6. *Ferguson* fails to disclose or teach Applicants' claimed invention because *Ferguson* only involves adjustment of a temporal preference.

In contrast, Applicants' claimed invention presents a user with a method of adequately understanding the relationship of separate goals through the use of preferences unrelated to time. Applicants' claimed invention employs nontemporal preferences by which a user of a preferred embodiment may alter goal attainment outcomes displayed. See Claim 20, as amended. Because nontemporal preferences are not disclosed by *Ferguson*, rejection of claim 20 is inappropriate.

Furthermore, *Ferguson* does not teach toward the incorporation of nontemporal preferences because of the method by which *Ferguson* displays information on a "[two]-dimensional coordinate system based upon time." *Ferguson*, Abstract, Fig. 5. Adjustments to goals within *Ferguson* are based upon time. *Id.* at Figs. 7A-7D, col. 9, l. 57 – col. 10, l. 6. No other method is apparent whereby a user may make an adjustment to modify the goals displayed. Therefore, *Ferguson* does not teach toward the use of nontemporal preferences, and rejection of claim 20 is inappropriate.

Regarding claim 20 subsections (c) and (d), Examiner cites virtually the same text in *Ferguson* in rebuttal of Applicants' claims. *Office Action*, p. 3. The references to which Examiner refers disclose the adjustment of the temporal preference for completion of a goal, but no other preference is modified. See Figs. 7A-7D, col. 8, ll 65-68, col. 9, l. 57 – col. 10, l. 10. Because only a single type of preference is presented, it cannot be said that a plurality of preferences are disclosed. Hence, *Ferguson* does not disclose a plurality of preferences from which a user may evaluate goal attainment. Additionally, the structure of *Ferguson* forecloses the anticipation of a plurality of preferences because *Ferguson* is based

Serial No.: 09/520,580
In reply to Office Action mailed: December 4, 2003
Page 8 of 9

upon time, as discussed *supra*. Therefore, for the foregoing reasons, rejection of claim 20 under 35 U.S.C. § 102(e) is improper, and Applicants respectfully request that it be withdrawn. Because pending claim 20, as presented, is allowable over the prior art, Applicants respectfully request allowance of this claim.

B. Independent Claim 30

Examiner cites as the basis for rejection of claim 30 "the same rationale [as applied to] claim 1." *Office Action*, p. 6. A comparison of claims 1 and 30 demonstrate that these claims are not identical, and thus separate treatment is required. While claim 30 subsections (a), (b), (d), and (e) match now-cancelled claim 1 subsections (a), (b), (c), and (d) respectively, Examiner has advanced no previous rationale applicable to claim 30, subsection (c). See Office Actions of 3/12/2003 and 7/25/2002 (not including as a basis of rejection in claim 1 any material applicable to claim 30(c)). Applicants assert that this rejection under 35 U.S.C. § 102(e) is inappropriate. Applicants respectfully request this rejection be withdrawn and claim 30 be allowed.

C. Dependent Claims 21-29

Applicants also submit that the rejections of dependent claims 21-29 should be withdrawn as they depend on independent claim 20. Because independent claim 20 is in condition for allowance, rejection of such dependent claims is improper, and Applicants respectfully request the rejections be withdrawn.

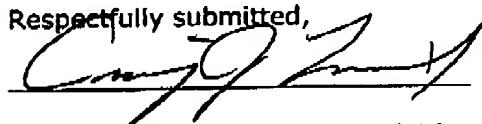
Additionally, Applicants assert that some rejections as applied to these specific claims are unfounded. Claim 24 addresses "displaying a quality indicia" and claim 26 addresses "displaying a degree of favoritism indicia". See Claims 24, 26. Examiner rejects both claims based upon a *Ferguson* in which the text discusses the adjustment of the temporal preference. See *Ferguson*, col. 10, ll. 38-51. A temporal preference is in no way related, nor does it teach toward, the preferences contemplated and claimed by Applicants. The additional reference to *Ferguson*, column 11, lines 41-61, is irrelevant because it does not discuss changing preferences but instead addresses modifications to worksheets. *Ferguson*, col. 11, ll 41-61. Therefore, rejections of claims 24 and 26 are inappropriate, and Applicants respectfully request withdrawal of the rejection.

Serial No.: 09/520,580
In reply to Office Action mailed: December 4, 2003
Page 9 of 9

4. Conclusion

Applicants submit that for at least the reasons stated above, all pending claims are allowable over the art of record and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7387. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 60021-352901).

Respectfully submitted,



Craig Lervick, Reg. No. 35,244
Customer No. 29838

OPPENHEIMER WOLFF & DONNELLY LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402
Phone: (612) 607-7387
Fax: (612) 607-7100
E-mail: CLervick@Oppenheimer.com

OPPENHEIMER: 2133078 v02 03/19/2004